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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

10500.00.8172

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on October 20, 2005

Signature

Typed or printed name Christine A. Wright

Application Number

09/855,183

Filed

May 14, 2001

First Named Inventor

Ron J. Vandergeest

Art Unit

2135

Examiner

Leynna A. Ha

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 34,414

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Christopher J. Reckamp

Typed or printed name

312-609-7599

Telephone number

October 20, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of 1 forms are submitted.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ron J. Vandergeest et al.

Serial No.: 09/855,183

Filing Date: May 14, 2001

Examiner: Leynna A. Ha

Art Group: 2135

Docket No.: 10500.00.8172

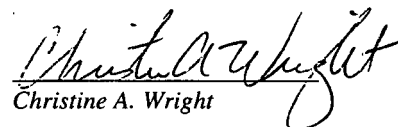
**Title: METHOD AND APPARATUS FOR PROVIDING USER AUTHENTICATION
USING A BACK CHANNEL**

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October 20, 2005
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Christine A. Wright

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants respectfully submit that the Examiner's rejections include clear errors because one or more limitations are not met by the cited reference and the office action fails to provide a prima facie rejection. Claims 1-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by Okamoto et al. In order for the rejection to stand, each and every claim limitation must be disclosed in the cited reference. As further noted below, the reference wholly fails to teach claimed subject matter and the rejection fails to provide a prima facie rejection under 35 U.S.C. §102(e). For example, independent claim 13 requires, among other things, a first unit, a second unit coupleable to the first unit via a primary wireless channel and operatively coupleable to an authenticator, a third unit coupleable to the second unit via a wireless back channel and operatively coupleable to the first unit via a secondary short range channel, and an authenticator wherein the second unit is operative to send an authentication code on the wireless back channel to a destination unit based on primary authentication

information that is sent via the primary wireless channel during the same session. Not only does Okamoto fail to disclose a wireless channel of any kind, but there is no teaching or discussion of any primary wireless channel nor wireless back channel nor the units that employ such channels as claimed. In fact, a word search on the Okamoto reference was unable to detect any use of the word “wireless” in the entire reference. Moreover, the cited portions of Okamoto, namely column 18, lines 57-58 and column 20, lines 30-34 are silent as to any primary wireless channel.

Also, the claim requires not only a primary wireless channel for communication between the first and second units, but a wireless back channel between the third unit and second unit. Again, the cited portions fail to describe any such wireless back channel or units as claimed. Applicants also requested a showing as to which structure in the Okamoto reference corresponded to Applicants’ claimed units and wireless channels but was not provided any showing. (See for example, Applicants’ after final response, page 2 and Applicants’ first response, pages 3 and 4 thereof). Accordingly, the claim is in condition for allowance.

Okamoto is directed to a completely different system from that claimed. Okamoto is directed to a user identification management scheme for a networking computer system using a wide area network. Each computer is judged as to whether an access request from a user at another computer is permitted and allows remote access to a computer from another remote computer. Okamoto is not directed to, nor does it teach among other things, the first unit, an intermediate unit, an authentication unit that utilizes secondary channels for communicating authentication codes in the manner claimed by Applicants. Based on the above remarks, Applicants respectfully submit that the finality of the office action should be withdrawn and the claims passed to allowance.

As to claim 1, Applicants requested on numerous occasions for a showing as to which elements in the Okamoto reference correspond to the various claim language and to date, no showing has been provided. (See page 2 of Applicants' after final response and page 4 of Applicants' first response). Claim 1 requires, among other things, retransmitting, by an intermediate destination unit, the authentication code to the first unit via a secondary channel wherein the first unit sent the user ID to the authentication unit. Again, Applicants requested the identification of which channels in the Okamoto reference and structure corresponded to the claimed first and second secondary channels along with the retransmission teaching. In response to Applicants request for a showing, in the "Response to Arguments" section of the final action, the Examiner cited to two columns, namely columns 18 and 19, but did not identify which element of the Okamoto reference allegedly corresponded to each of the first unit, intermediate unit and authentication unit as claimed since the cited portions referred to many different systems and units. The same section in the office action stated that the intermediate unit may be the "connection management unit" or the user ID "correspondence establishing unit". However, Applicants requested identification of which unit corresponded then to the first unit and the authentication unit and which channel of Okamoto corresponds to the first secondary channel and second secondary channel as it does not appear that the rejection provided a prima facie rejection since it failed to identify which structure corresponded to Applicants' claimed subject matter. Applicants then also requested a showing as to where the cited reference teaches that the connection management unit or the correspondence establishing unit of Okamoto retransmits an authentication code to a first unit via a second secondary channel in a way that is transparent to the user when the first unit is the unit that sent user identification data to the authentication unit. Applicants have not received any specific information on this request either.

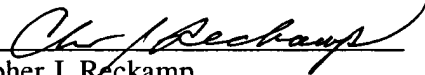
In addition, claim 4 requires that the second secondary channel is a short range channel. The office action cited column 21, lines 19-22. However, the second secondary channel is the channel used by the intermediate destination unit to retransmit the authentication code to the first unit. The cited section does not teach any short range channel nor does it teach any short range secondary channel that receives a retransmitted authentication code. Again, the reference cannot anticipate the claimed subject matter if it does not teach the claimed subject matter.

Since the office action fails to provide a prima facie rejection under 35 U.S.C. §102(e) and since the claimed subject matter is not taught in the cited reference, Applicants respectfully submit that the finality of the office action should be withdrawn and that the claims be passed to allowance.

Respectfully submitted,

Date: October 20, 2005

By: _____


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